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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,448	10/21/2003	Malcolm Sargeant	09314.0044-00000	8087

7590

04/03/2006

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EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,448	<b>Applicant(s)</b> SARGEANT ET AL.	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/05/2006.

#### ***Drawings***

2. The drawings were received on 1/05/2006. These drawings are acceptable.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, and 7-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,402,734 to Galpin et al.

Galpin et al disclose an optical table comprising all the elements recited in the above listed claims including, such as shown in Fig 2, in height order: a top skin 13, an upper core 25, an intermediate skin 23, a lower core 21 and a bottom skin 15, wherein the intermediate skin comprises two sheets (49,23,41) bonded together, a spacer layer 61 arranged under the top skin 13 and separated from the upper core 25 by a midskin, the core 25 is made of formed steel, and a plurality of legs 12 supported the table above ground.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5-6, and 10-13 stand rejected under 35 U.S.C. 103(a) as being

unpatentable over Galpin et al.

Galpin discloses all the elements as discussed above including the bonding between the elements being performed using a cold or hot cure adhesive. The differences being that Galpin et al does not clearly disclose the material of the core is made of composite material or aluminum honeycomb, and the method recited in claims 10-13. In regard to the material of the core, it is well known in the optical table art to have the core being made of a composite material or aluminum honeycomb in order to provide structural support to the table. In regard to the method recited in claims 10-13, since Galpin et al discloses all the elements recited therein, it would have been obvious and well within the level of one skill in the art to perform the method step recited therein.

### ***Response to Arguments***

8. Applicant's arguments filed 1/05/2006 have been fully considered but they are not persuasive. In response to applicant's arguments on page 4 of the above-noted

amendment regarding the rejection of the claims based on 35 U.S.C. 102 that the term “core” is used to denote a vibration damping or isolation layer” and that element 25 of Galpin fails to meet said “core”, the examiner takes the position that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Further, the claimed language fails to provide adequate structural limitation(s) in order to distinguish applicant’s claimed invention from the prior art of record.

9. In response to applicant’s arguments regarding the rejection based on 35 U.S.C. 103 that Galpin fails to disclose an optical table that has an “upper core”, with the term “core” refers to a vibration damping or isolation layer, the examiner again takes the position that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Further, the claimed language fails to provide adequate structural limitation(s) in order to distinguish applicant’s claimed invention from the prior art of record.

10. In regard to applicant’s argument on page 7 regarding claims 10-13 that Galpin fails to disclose a “core”, with the core having a specific meaning, the examiner again takes the position that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Further, the claimed language fails to provide adequate structural limitation(s) in order to distinguish applicant’s claimed invention from the prior art of record. Since Galpin discloses all the elements recited in claims 10-13, it would have been obvious to one skill in the art to perform the method steps recited therein.

11. In response to applicant's argument that Galpin teaches away from a method of manufacturing an optical table "comprising making at least two subassemblies, wherein each subassembly is made by bonding a core to upper and lower skins", again the examiner takes the position that the claimed language fails to provide adequate structural limitations to the claims in order to distinguish applicant's claimed invention of the subassemblies from the prior art of record.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*  
March 27, 2006

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

